



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, April 28, 2008

Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz

4/25/2008 4:28 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Dr. Ydell Ishmon
Boston Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
April 14, 2008

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution to honor Mrs. Margaret Weinberg for exemplary service to the citizens of Shelby County. Sponsored by Commissioner Steve Mulroy.
2. Resolution honoring the Royal Family Kid's Camp of Raleigh Assembly of God for exemplary service to the children of Shelby County, and declaring May 15, 2008 as "Send a Kid to Camp Day" in Shelby County. Sponsored by Commissioner Steve Mulroy.

Ordinances

FORD

Chairman, General
Government, Committee

3. ORDINANCE – SECOND READING – An Ordinance amending the Shelby County Charter by repealing Section 4.06 of Article IV; adding a new article VIII so as to create the offices of, and assign the duties and functions to, the Shelby County Sheriff, Shelby County Trustee, Shelby County Register, Shelby County Clerk, and Shelby County Assessor; and providing for the state law requirements for establishing a charter form of county government. Sponsored by Chairman David Lillard and Chairman Pro Tempore Deidre Malone.
4. ORDINANCE – SECOND READING – An Ordinance amending sections 1.02, 2.02, 2.03, 2.04, 2.06, 3.03, 3.05, 3.07, and 5.10 of the Shelby County Charter relative to the County Commission's powers and membership, setting the County Commission Chairman's salary, Ordinance adoption requirements, the County Mayor's duties, filling vacancy in the office of County Mayor, budget procedures, and residency requirement for county officials and employees; and to add three new sections to the "General Provisions" under Article V. relative to holding more than one elective office, succession of authority following a disaster, and recall of elected county officials. Sponsored by Chairman David Lillard and Chairman Pro Tempore Deidre Malone.

FORD

Chairman, General
Government, Committee

Zoning and Subdivisions

RITZ

Chairman, Land Use, Planning,
Transportation and Code
Enforcement Committee

5. Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.

- a. Resolution to approve the plat for Haley Subdivision (S 07-049 CO) and authorize the recording of the plat.

Reports and/or Resolutions for Standing Committees

RITZ

Chairman, Public Works
Committee

6. Resolution approving a contract in the amount of \$236,400.00 with Grinder Building Corporation for the provision of window replacement, phase 2, at Peggy Edmiston Administration Building, and this item requires expenditure of county CIP finds in the amount of \$236,400.00 from the FY 2007-2008 budget for CIP project number 101710, Office Buildings. Sponsored by Commissioner Wyatt Bunker.

RITZ

Chairman, Public Works
Committee

7. Resolution approving the expenditure of funds by Shelby County Government to APAC-Tennessee, Inc. and Lehman-Roberts Company for plant mix asphalt in the approximate amount of \$1,060,000.00 from July 1, 2008 to June 30, 2009 and this item requires the expenditure of State Gas Tax Funds in the amount of \$1,060,000.00. Sponsored by Commissioner Wyatt Bunker.

RITZ

Chairman, Public Works
Committee

8. Resolution approving the expenditure of funds by Shelby County Government to Standard Construction Company for crushed concrete in the approximate amount of \$147,000.00 from July 1, 2008 to June 30, 2009 and this item requires the expenditure of State Gas Tax Funds in the amount of \$147,000.00. Sponsored by Commissioner Wyatt Bunker.

CHISM

Chairman, Law Enforcement,
Fire, Corrections and Courts
Committee

9. A resolution amending the FY 2008 Operating Budget for a grant from the Tennessee Emergency Management Agency in the amount of \$576,000.00 for the Buffer Zone Protection Program of the U.S. Department of Homeland Security and this item requires the expenditure of U.S. Department of Homeland Security Grant funds in the amount of \$576,000.00 for the purpose of protecting critical infrastructure in Shelby County. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law Enforcement,
Fire, Corrections and Courts
Committee

10. Resolution amending the FY 2007/2008 Operating Budget of the Mother's Grant in the amount of \$11,690 to provide adjustments to salary, benefits, and outside contracts. This is a pass through grant to be adjusted in the amount of \$11,690. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law Enforcement,
Fire, Corrections and Courts
Committee

11. Resolution amending the FY 2007/2008 Operating Budget of the Shelby County Drug Court in the amount of \$191,500 to account for increased revenue and expenditures until federal earmark appropriations are available. Sponsored by Commissioner Sidney Chism.

CARPENTER

Delinquent Tax Property
Committee

12. Resolution approving the conveyance of a parcel of county owned delinquent tax property 37,200 square feet (0.8540 acres) in size, located on the northeast corner of Santa Valley St. and U.S. Highway 64 to the City of Bartlett, without monetary consideration; and to authorize the Mayor to execute a quit claim deed conveying said parcel of land to the City of Bartlett for use in conjunction with its Fletcher Creek Greenbelt/Park System. Sponsored by Commissioner Henri Brooks.

CARPENTER

Delinquent Tax Property
Committee

13. A resolution approving the conveyance of a parcel of land, 10,663 square feet (0.24 acres) in size, located on the north side of Westbrook Road at its west dead-end, to the City of Bartlett, without monetary consideration, and to authorize the Mayor to execute a quit claim deed conveying said parcel of land to the City of Bartlett for its ongoing maintenance of sewer line facilities located therein. Sponsored by Commissioner Henri Brooks.

CARPENTER

Delinquent Tax Property
Committee

14. A resolution approving the conveyance of a parcel of land 6,011 square feet (0.138 acres) in size, located on the south side of Pontotoc St. and east of Orleans St., back to the City of Memphis, without monetary consideration; and to authorize the Mayor to execute a quit claim deed conveying said parcel of land back to the City of Memphis for proper disposal. Sponsored by Commissioner Henri Brooks.

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

FORD

Chairman, General
Government, Committee

15. Resolution approving the County Mayor's nomination of Michael J. Massey, Sr. for appointment to the Memphis and Shelby County Community Redevelopment Agency. Sponsored by Commissioner Joe Ford.

Ordinances

CARPENTER

Hospitals and
Health Committee

16. ORDINANACE – THIRD READING – Ordinance by the Board of Commissioners for Shelby County, Tennessee to amend Chapter 14.5 of the Code of Shelby County to reduce the annual emission fee amount for the calendar year 2006. Sponsored by Commissioner Joyce Avery.

Zoning and Subdivisions

17. CASE NO. S.U.P. 08-204 CO

RITZ

Chairman, Land Use, Planning,
Transportation and Code
Enforcement Committee

APPLICANT: Tower Ventures V, LLC

LOCATION: South side of Tracy Road, 1634
feet east of Rosemark Road

REQUEST: Special use permit for a cell
tower (CMCS) 195 feet tall; “slick stick” monopole
design

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and
Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control
Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the
Daily News on Friday, April 18, 2008.)

Reports and/or Resolutions for Standing Committees

18. Resolution to adopt senior property tax freeze. Sponsored by Commissioner Deidre Malone and Commissioner Mike Carpenter.

MALONE

Chairman, Budget and Finance
Committee

19. Resolution authorizing offering a buy out for current employees over 65 and eliminating pay for unused sick leave at retirement. Sponsored by Commissioner Sidney Chism. (ADD-ON IN COMMITTEE 4/23/08)

MALONE

Chairman, Budget and Finance
Committee

20. A resolution to appoint a Judicial Commissioner and set the term of the appointment. Sponsored by Commissioner Joe Ford. (Deferred to 5/12/08)

CHISM

Chairman, Law Enforcement
Committee

MULROY

Chairman, Legislative
Committee

21. A resolution requesting the Tennessee General Assembly to enact legislation to eliminate litigation taxes in criminal cases; to increase court costs in criminal cases; to make such costs a part of the criminal sanctions; and to create a work program whereby those convicted of crimes may be required to work off criminal fines and court costs in lieu of their payment. In the alternative, this resolution requests that these issues regarding criminal fines and costs be included in House Bill 3751 for study by a legislative council in conjunction with the administrative office of the courts. Resolution sponsored by Commissioner Joe Ford. (Deferred to 5/12/08)

MULROY

Chairman, Legislative
Committee

22. A resolution requesting the Tennessee General Assembly to amended any caption bill now pending before it to establish a new division of general sessions court at Shelby County that would be solely dedicated to collecting unpaid fines, fees, levies, and court costs. In the alternative, this Resolution seeks to pay an additional salary of \$50,000.00 per year to any Judge or Judges who hear cases pertaining to the collection of unpaid fines, fees, levies and other costs due to the General Sessions Courts of Shelby County. Sponsored by Commissioner Joe Ford. (Deferred to 5/12/08)

MULROY

Chairman, Legislative
Committee

23. Resolution by the Board of County Commissioners of Shelby County, Tennessee requesting the County Mayor's Administration to provide regular updates regarding state legislation requested by any board, agency, or commission that have members appointed by the Board of County Commissioners. Sponsored by Commissioner Mike Ritz. (Deferred to 5/12/08)

FORD

Chairman, General Government,
Committee

24. Resolution amending Rule 7 of the Commissioners Permanent Rules of Order. Sponsored by Commissioner Joe Ford. (DEFERRED TO 5/12/08)

CARPENTER

Delinquent Tax Property
Committee

25. Resolution approving the sale of eleven delinquent tax parcels totaling \$65,600.00 from Tax Sale(s) 2, 102, 201, 203, 204, 205, 206, and 303 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner Henri Brooks.

CARPENTER

Delinquent Tax Property
Committee

26. Resolution approving the sale of ten delinquent tax parcels totaling \$96,900.00 from Tax Sale(s) 106, 205, 206, 301, 303, and 304 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner Henri Brooks.

CARPENTER

Delinquent Tax Property
Committee

27. Resolution approving the sale of eleven delinquent tax parcels totaling \$70,100.00 from Tax Sale(s) 2, 102, 201, 203, 204, 205, 206, and 303 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.

Announcements/Statements

Adjournment

28. Resolution of Adjournment to Monday, May 12, 2008 at 1:30 p.m.

If you have any questions about this agenda, please contact Steve Summerall, Chief Administrator at 545-4301.